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APR 19 2006

OFFICE OF PETITIONS

In re Application of :
John S. Hendricks, et al. :
Application No. 09/237,828 :
Filed: January 27, 1999 :
Attorney Docket No. 02688.00008 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed November 15, 2005, to revive the above-identified application.

The petition is GRANTED.

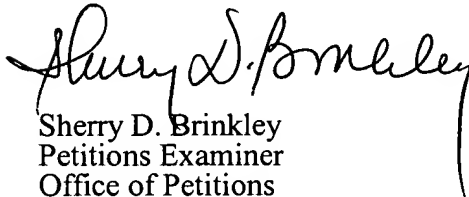
The Office acknowledges receipt of the Notice of Appeal filed November 15, 2005.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$1,020 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account as authorized.

The 2-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center AU 2176.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions